



Written by [Peter Rykowski](#) on March 3, 2023

## Iowa Bill Would Nullify Federal “Respect for Marriage Act”

Iowa legislators have introduced a bill to nullify the unconstitutional federal “Respect for Marriage Act” while protecting Iowans’ religious freedom.

House File 508 ([H.F. 508](#)) is sponsored by Representative Brad Sherman (R-Williamsburg) and seven other representatives. H.F. 508 begins by recognizing the freedom of religion, as well as the proper definition of marriage, and it protects Iowans from participating in same-sex ceremonies against their conscience:



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The state of Iowa recognizes freedom of religion as an unalienable right and recognizes the institution of marriage as a sacred religious sacrament that is inextricably and fundamentally bound with free exercise of that right. The state of Iowa also recognizes the deep historical and religious roots that uniformly defined and understood marriage to be the union between one male and female. Therefore, no resident of Iowa shall be compelled, coerced, or forced to recognize any same-sex unions or ceremonies as marriage, notwithstanding any laws to the contrary that may exist in other states, and no legal action, criminal or civil, shall be taken against citizens in Iowa for refusal or failure to recognize or participate in same-sex unions or ceremonies.

Furthermore, H.F. 508 [explicitly nullifies](#) the so-called “Respect for Marriage Act” that Congress passed in December 2022:

The state of Iowa considers certain elements of the federal Respect for Marriage Act, Pub. L. No. 117-228, relating to the definition of marriage to be null and void ab initio and to have no effect whatsoever in Iowa for the following reasons:



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1. Any attempt by the federal entity to erect a legal definition of marriage plainly falls outside the enumerated powers of Article I, section 8, of the Constitution of the United States.
2. Any attempt by the federal entity including Congress to define or redefine marriage violates the establishment clause of the first amendment to the Constitution of the United States.
3. The Respect for Marriage Act violates the tenth amendment to the Constitution of the United States by encroaching upon state powers that are reserved to the states or to the people.

In addition to H.F. 508, Representative Sherman and seven other representatives introduced House Joint Resolution 8 ([H.J.R. 8](#)), a constitutional amendment that declares, “In accordance with the laws of nature and nature’s God, the state of Iowa recognizes the definition of marriage to be the solemnized union between one human biological male and one human biological female.”

However, both H.F. 508 and H.J.R. 8 face an [uphill battle](#) in the General Assembly. They are unlikely to meet a Friday deadline to pass through a committee, and House Speaker Pat Grassley stated, “I don’t expect any of those bills to move.”

[Signed](#) into law by President Joe Biden on December 13, 2022, the Respect for Marriage Act repealed the Defense of Marriage Act and requires the federal government, all 50 states, the District of Columbia, and U.S. territories to recognize same-sex marriages. This unconstitutional law was passed to protect the Supreme Court’s recognition of same-sex marriage in the event the Court overturns its unconstitutional 2015 *Obergefell v. Hodges* decision that required all 50 states and the District of Columbia to recognize same-sex marriage.

The Respect for Marriage Act is [unconstitutional](#) as the Constitution [does not grant](#) Congress any power to legislate — must less redefine (or [undefine](#)) — on marriage. The act also threatens religious freedom; other laws purporting to “protect” or prevent “discrimination” against LGBT individuals have been weaponized against Christians and others who accept the biblical definition of marriage.

H.F. 508 is firmly grounded in the text of the U.S. Constitution. Specifically, [Article VI](#) binds state legislators — along with members of Congress and judges — to their oath to support the U.S. Constitution.

Article VI also states, “This Constitution, and the Laws of the United States *which shall be made in Pursuance thereof* ... shall be the supreme Law of the Land.” (Emphasis added.) State legislators are required to uphold and implement only those laws that are “made in Pursuance” to the Constitution. Any laws not “made in Pursuance thereof” are therefore *not* the supreme Law of the Land and, as such, state legislators are under no obligation to enforce or carry out their provisions. Instead, [they should interpose, or nullify](#), such laws within the boundaries of their state.

Iowa legislators would be wise to support H.F. 508 and to enforce the U.S. Constitution by nullifying all other unconstitutional federal laws.

*Iowa residents can contact their legislators in support of H.F. 508 by visiting The John Birch Society’s legislative alert [here](#). Everyone can urge their state legislators to enforce the Constitution by nullifying unconstitutional federal laws and edicts by visiting JBS’s 50-state alert [here](#).*



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